

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

(HEALTHSOUTH CORPORATION 2002 DERIVATIVE LITIGATION)

**WADE TUCKER, derivatively for the
Benefit of and on behalf of the Nominal
Defendant HealthSouth Corporation,**

Plaintiff,

-vs-

RICHARD M. SCRUSHY, *et al.*,

Defendants.

CIVIL ACTION NO. CV-02-5212

UBS SECURITIES LLC,

Counterclaim Plaintiff,

-vs-

HEALTHSOUTH CORPORATION,

Counterclaim Defendant.

**UBS SECURITIES LLC'S AMENDED ANSWER TO THE
THIRD COMPLAINT AND THE SUPPLEMENTAL AND
FOURTH AMENDED COMPLAINT**

Pursuant to Alabama Rule of Civil Procedure 15, Defendant UBS Securities LLC ("UBS") hereby amends paragraph 134 of its Answer and Defenses to the Third Amended Verified Complaint and the Supplemental Complaint and Fourth Amended Verified Complaint (collectively, the "Complaint") filed by Plaintiff Wade Tucker ("Plaintiff") and states as follows:

134. UBS denies the allegations in Paragraph 134, and each subparagraph thereof, that purport to pertain to UBS and denies knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph that pertain to other defendants, except (i) admits that UBS AG, Stamford Branch provided a loan to MCDC; and (ii) refers to the referenced public filings, plea allocations, court filings and other cited documents and proceedings for a full and complete statement of their contents. UBS further avers that the allegations purport to state, in whole or part, conclusions of law as to which no response is appropriate or required.

All other aspects of UBS's Answer and Defenses to the Complaint and Counterclaims remain unchanged.

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Respectfully submitted,

s/ **Robin H. Jones**

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CERTIFICATE OF SERVICE

I hereby certify that, in addition to the parties served via the AlaFile system, I have served a copy of the above and foregoing document upon all attorneys of record by electronic mail pursuant to the Court's April 19, 2004 Order requiring the same, on this the 16th day of November, 2007.

s/ Robin H. Jones
OF COUNSEL

**All Counsel in *Tucker v. Scrushy*
Pending Before The Honorable Allwin E. Horn III**

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